

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CIRCLE S FARMS

Plaintiff/Petitioner,

V.

FARM SERVICE AGENCY, et al.

Defendants/Respondents.

CIRCLE S FARMS

Plaintiff/Petitioner,

v.

FARM SERVICE AGENCY, et al.

Defendants/Respondents.

Case No. C-2-07-688

JUDGE MARBLEY

Magistrate Judge Abel

Case No. C-2-07-689

JUDGE MARBLEY

Magistrate Judge Abel

AGREED ORDER

Pursuant to the agreement of the parties, the Court issues the following AGREED ORDER:

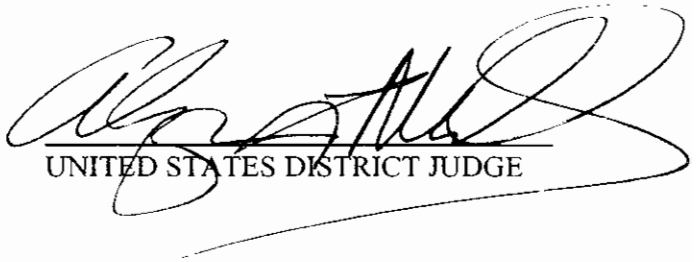
1. Plaintiff appealed the final decisions of the United States Department of Agriculture in cases 2006E000875 and 2006E000876 (hereinafter “Case 875” and “Case 876”, respectively), filed in this Court as Case Nos. C-2-07-688 and C-2-07-689, respectively.
2. Case 875 determined that Plaintiff was not eligible for Noninsured Crop Disaster Assistance Program (“NAP”) benefits on its year 2005 irrigated pumpkins.
3. Case 876 determined that Plaintiff was not eligible for NAP benefits on its year 2005 non-irrigated pumpkins, and also determined that Plaintiff was required to repay \$17,841 in

NAP benefits it previously received.

4. The parties agree that Plaintiff is not required to repay the \$17,841 received in NAP benefits for its year 2005 non-irrigated pumpkins, and that any demand for such repayment by Defendants is hereby withdrawn.

5. The parties further agree that Plaintiff hereby withdraws its administrative appeals in both Cases C-2-07-688 and C-2-07-689.

6. IT IS ORDERED that Cases C-2-07-688 and C-2-07-689 are both dismissed with prejudice.



UNITED STATES DISTRICT JUDGE

APPROVED:

s/David S. Pennington s/Mark T. D'Alessandro per authority 1/29/08
David S. Pennington (0031477)
Attorney for Plaintiff/Petitioner

s/Mark T. D'Alessandro
Mark T. D'Alessandro (0019877)
Assistant United States Attorney
Attorney for Defendants/Respondents